

**ORDINANCE** \_\_\_\_\_

**AN ORDINANCE** relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.632, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.720, 23.60.728, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.848, 23.60.872, and 23.60.906 to regulate telecommunication utilities in the shoreline environments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

**Section 1.** Subsection D of Section 23.60.394 of the SMC, which Section was last amended by Ordinance 116325, is further amended as follows:

**23.60.394      Height in the CR Environment.**

\* \* \*

**D. Rooftop Features.**

1. Radio and television receiving (~~aerials~~) antennas, flagpoles and chimneys may extend ten feet (10') above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height limit.

\* \* \*

**Section 2.** Subsection A of Section 23.60.420 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.420      Uses permitted outright on waterfront lots in the CM Environment.**

Uses permitted outright on waterfront lots in the CM Environment. The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

**A. Utilities:**

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location, excluding communication utilities;

\* \* \*

**Section 3.** Subsection G of Section 23.60.484 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.484 Special uses in the CW Environment.**

The following uses may be authorized in the CW Environment by the Director if the special use criteria of Section 23.60.032 are satisfied:

\* \* \*

G. Utility lines, excluding communication utilities;

\* \* \*

**Section 4.** The title of Section 23.60.488 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.488 Prohibited uses in the CW Environment.**

\* \* \*

**Section 5.** Subsection B of Section 23.60.544 of the SMC, which Section was last amended by Ordinance 188663, is further amended as follows:

**23.60.544 Prohibited uses on waterfront lots in the UR Environment.**

The following uses shall be prohibited as principal uses on waterfront lots in the UR Environment:

\* \* \*

B. The following utilities:

1. Major and minor ((€))communication utilit((¥))ies,
2. Solid waste transfer stations,
3. Power plants, and
4. Sewage treatment plants;

\* \* \*

**Section 6.** Subsection D of Section 23.60.572 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

**23.60.572 Height in the UR Environment.**

\* \* \*

D. Rooftop Features.

1. Radio and television receiving (~~aerials~~) antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge; and

d. Chimneys.

\* \* \*

**Section 7.** Subsection E of Section 23.60.600 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.600 Uses permitted outright on waterfront lots in the US Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

\* \* \*

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

\* \* \*

**Section 8.** Subsection F of Section 23.60.606 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

**23.60.606 Prohibited uses on waterfront lots in the US Environment.**

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

\* \* \*

F. The following utilities:

1. Major ((€))communication utilities,
2. Solid waste transfer stations,
3. Power plants(~~(; and)~~),
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

\* \* \*

**Section 9.** Subsection D of Section 23.60.632 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

**23.60.632 Height in the US Environment.**

\* \* \*

D. Rooftop Features.

1. Radio and television receiving (~~((aerials))~~) antennas, smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10') from any side or rear lot line.

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet (4') above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area or twenty-five percent (25%) of the roof area if the total includes screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment; and
- d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15') from the roof edge.

\* \* \*

**Section 10.** Existing Subsections D, E, F and G and a new subsection H of Section 23.60.660 of the SMC, adopted by Ordinance 113466, are amended or added as follows:

**23.60.660 Uses permitted outright on waterfront lots in the UH Environment.**

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

\* \* \*

D. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,
2. Maritime museums,
3. Colleges that have water-dependent or water-related facilities,
4. Community centers,
5. Vocational schools, water-dependent or water-related,
6. Community yacht, boat, and beach clubs, and
7. ~~((Day))~~ Child care centers when located above wharf level;

E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
2. Public facilities that are part of an approved public improvement plan for the Harbor((-))front adopted by the Council;

F. Shoreline Recreation; ~~((and))~~

G. Aquaculture; and

H. Minor communication utilities, except freestanding transmission towers.

**Section 11.** Subsection B of Section 23.60.662 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.662 Special uses permitted on waterfront lots in the UH Environment.**

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

\* \* \*

B. The following utilities:

~~((1. Communication utilities that require a shoreline location,))~~

~~((2))~~1. Utility service uses that require a shoreline location, and

~~((3))~~2. Utility lines;

\* \* \*

**Section 12.** Subsection D of Section 23.60.668 of the SMC, which Section was last amended by Ordinance 113764, is further amended as follows:

**23.60.668 Prohibited uses on waterfront lots in the UH Environment.**

The following uses are prohibited as principal uses on waterfront lots in the UH Environment:

\* \* \*

D. The following utilities:

1. Solid waste transfer stations,
2. Power plants, ~~((and))~~
3. Sewage treatment plants,
4. Major communication utilities, and
5. Freestanding transmission towers for minor communication utilities;

\* \* \*

**Section 13.** Section 23.60.692 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

**23.60.692 Height in the UH Environment.**

\* \* \*

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4) feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven (7) feet above the maximum height with unlimited rooftop coverage.

c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection 3C does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment:

(1) Solar collectors;

(2) Stair and elevator penthouses;

(3) Mechanical equipment; and

(4) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge.

d. Radio and television receiving ~~((aerials))~~ antennas, excluding dishes; religious symbols for religious institutions; ~~((transmission towers;))~~ smokestacks and

flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits.

**Section 14.** Subsection C of Section 23.60.720 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

C. The following utilities:

1. Utility lines, ~~((and))~~

2. Utility public service uses whose operations require a shoreline location,  
and

3. Minor communication utilities, except freestanding transmission towers;

**Section 15.** Subsection E of Section 23.60.728 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

**23.60.728 Prohibited uses on waterfront lots in the UM Environment.**

The following principal uses are prohibited on waterfront lots:

\* \* \*

E. The following utilities:

1. Major ~~((C))~~ communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

\* \* \*

**Section 16.** Subsection A of Section 23.60.730 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

**23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

- 1 a. Commercial Uses.  
2 (1) Sale of boat parts or accessories,  
3 (2) Personal and household retail sales and service uses,  
4 (3) Medical services,  
5 (4) Animal services,  
6 (5) Automotive retail sales and service,  
7 (6) Eating and drinking establishments,  
8 (7) Nonhousehold sales and services,  
9 (8) Wholesale showroom, mini-warehouse, warehouse and  
10 outdoor storage,  
11 (9) Cargo terminals, non-water-dependent,  
12 (10) Personal transportation services,  
13 (11) Passenger terminals, non-water-dependent,  
14 (12) Transit vehicle base,  
15 (13) Food processing,  
16 (14) Custom and craft work,  
17 (15) Offices except in the Lake Union area, and  
18 (16) Research and development laboratories;  
19 b. Recycling centers;  
20 c. Light and general manufacturing uses, non-water-dependent;  
21 ((and))  
22 d. Public facilities; and  
23 e. Minor communication utilities, except freestanding transmission  
24 towers.

25  
26 \* \* \*

27  
28 **Section 17.** Subsection D of Section 23.60.752 of the SMC, which Section was  
29 adopted by Ordinance 113466, is amended as follows:  
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31 **23.60.752 Height in the UM Environment.**

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33 \* \* \*

34  
35 **D. Rooftop Features.**

36 1. Radio and television receiving ((aerials)) antennas, and flagpoles, are  
37 exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay  
38 District, provided such features are:

39 a. No closer to any adjoining lot line than fifty percent (50%) of their  
40 height above existing grade; or

41 b. If attached only to the roof, no closer to any adjoining lot line than  
42 fifty percent (50%) of their height above the roof portion where attached.

43 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls  
44 may extend four feet (4') above the maximum height.

3. The following rooftop features may extend ten feet (10') above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area ~~((or))~~ or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

- a. Stair and elevator penthouses;
- b. Mechanical equipment.

\* \* \*

**Section 18.** Subsection F of Section 23.60.780 of the Seattle Municipal Code, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.780 Uses permitted outright on waterfront lots in the UG Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban General Environment as either principal or accessory uses:

\* \* \*

F. The following utilities:

1. Utility lines,
2. Utility service uses whose operations require a shoreline location ~~((; and))~~,
3. Solid waste transfer stations that are water-related, and
4. Minor communication utilities, except freestanding transmission towers;

\* \* \*

**Section 19.** Subsection D of Section 23.60.786 of the SMC, which Section was last amended by Ordinance 113764, is further amended as follows:

**23.60.786 Prohibited principal uses on waterfront lots in the UG Environment.**

The following uses are prohibited as principal uses on waterfront lots in the UG Environment:

\* \* \*

D. The following utilities:

1. Major ~~((C))~~ communication utility,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ~~((and))~~
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

\* \* \*

**Section 20.** Subsection D of Section 23.60.812 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

**23.60.812      Height in the UG Environment.**

\* \* \*

D. Rooftop Features.

1. Radio and television receiving ~~((aerials))~~ antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet (4') above the maximum height.

3. The following rooftop features may extend ten feet (10') above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

\* \* \*

**Section 21.** Subsection E of Section 23.60.840 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

**23.60.840      Uses permitted outright on waterfront lots in the UI Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

\* \* \*

E. The following utilities:

1. Utility lines,

2. Solid waste transfer stations, water-related, ~~((and))~~

3. Utility service uses whose operations require a shoreline location, and

4. Minor communication utilities, except freestanding transmission towers;

\* \* \*

**Section 22.** Subsection D of Section 23.60.848 of the SMC, which Section was last amended by Ordinance 181663, is further amended as follows:

**23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.**

The following principal uses are prohibited on waterfront lots in the UI Environment:

\* \* \*

D. The following utilities:

1. Major ((€))communication utilities,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ~~((and))~~
4. Sewage treatment plants, located outside of the Duwamish area, and
5. Freestanding transmission towers for minor communication utilities;

\* \* \*

**Section 23.** Subsection C of Section 23.60.872 of the SMC, which Section was last amended by Ordinance 113466, is further amended as follows:

**23.60.872 Height in the UI Environment.**

\* \* \*

C. Rooftop Features.

1. Radio and television receiving ~~((aerials))~~ antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:
  - a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or
  - b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.
2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height set in subsections A and B of Section 23.60.632.
3. The following rooftop features may extend ten feet (10') above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 does not exceed fifteen percent (15%) of the roof area, or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:
  - a. Stair and elevator penthouses; and
  - b. Mechanical equipment.

\* \* \*

**Section 24.** Section 23.60.906 of the SMC, adopted by Ordinance 113466, is further amended as follows:

**23.60.906      “C.”**

\* \* \*

“Communication Devices and Utilities (and related terms). See Section 23.84.006  
“C.”

\* \* \*

**Section 25.** This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after its presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2002, and signed by me in  
open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
President of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
City Clerk

(SEAL)